

MOTION BY SUPERVISOR GLORIA MOLINA

October 21, 2003

Substitute to Item No. 9

I am offering this motion as a substitute to Item No. 9, my motion to oppose H.R. 2671, the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act. Instead of opposing the bill, this motion would set legislative policies to guide the County's Federal advocacy efforts on the broader issue of the role of states and localities in enforcing Federal immigration laws and in cooperating with Federal civil immigration authorities.

While the CLEAR Act is not expected to pass through the Judiciary Committee, there is concern that there will be other attempts to tie the State Criminal Alien Assistance Program (SCAAP) funds with civil immigration enforcement.

The CLEAR Act suggested requiring states and local law enforcement to enforce Federal immigration laws, including civil laws, as a condition for receipt of SCAAP funds. The County Sheriff's resources already are stretched far too thin in trying to meet its state and local responsibilities and to improve homeland security. Sheriff's deputies should not be required to act as Federal immigration agents, especially at the expense of their ability to maintain the trust of the communities they serve.

While the County should not be forced to enforce Federal immigration laws in order to receive SCAAP funds, it is reasonable to expect the County to cooperate with the Federal government in identifying deportable criminal alien inmates whose incarceration costs are to be reimbursed by SCAAP.

MOTION

Molina	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Burke	_____

I, THEREFORE, MOVE THAT THE BOARD:

1. Oppose proposals that would require local law enforcement officers to enforce Federal immigration laws; and
2. Support proposals that would make Federal reimbursement of undocumented criminal alien incarceration costs contingent on state and local cooperation in identifying deportable criminal aliens in their custody and also provide for full Federal reimbursement of the costs of incarcerating inmates whose immigration status was not verified by Federal immigration agents prior to their release from state or local custody.